

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRUSTEES OF THE NORTHERN NEVADA
LABORERS HEALTH & WELFARE TRUST
FUND, et al.

Plaintiffs,

vs.

ALLEGHENY CASUALTY COMPANY, et al.

Defendants.

Case No. 3:17-CV-00577-RCJ-CLB

ORDER

Counter Claimant Allegheny Casualty Company (“Allegheny”) as surety issued on behalf of Defendant Specialty Contracting Company d/b/a/ Diversified Demolition (“Diversified Demolition”), as principal, two Nevada Contractor’s License Bonds identified as Bond Nos. 0559309 and 0559310, each in the penal sum of \$50,000, for a bond penal sum total of \$100,000 (“Diversified Demolition Bonds”). (ECF No. 149.) Allegheny, as surety, also issued on behalf of Defendant Diversified Concrete Cutting, Inc. (“Diversified Concrete”), as principal, one Nevada Contractor’s License Bond identified as Bond No. 0602136, in the penal sum of \$20,000 (“Diversified Concrete Bond”). (*Id.*) All three bonds were issued pursuant to the requirements of NRS Chapter 624. (*Id.*)

Counter Defendants the Cement Masons Funds, Northern Nevada Laborers Funds, Carpenters Funds, Northern Nevada Operating Engineers Funds, Southern Nevada Laborers Funds, and the Operating Engineers Local 12 Funds (collectively, “Trust Fund Claimants”) all filed timely answers to Allegheny’s Counterclaim. Trust Fund Claimants have moved for allocation of these funds through a joint motion for summary judgment. (ECF No. 154.) No party has opposed this motion, and many have filed non-oppositions or notices that the time to oppose the motion has lapsed. (ECF Nos. 155–60.) The parties jointly agree that the funds should be distributed on a pro rata percentage of their priority labor claims as supported by declarations and detailed in the conclusion. (ECF No. 154 Exs. 1–4.) The motion is therefore granted.

CONCLUSION

IT IS HEREBY ORDERED that the Trust Fund Claimants are proper claimants on the Bonds under NRS 624.273 and the Bond Agreements.

IT IS FURTHER ORDERED that the claims of the Cement Masons Trusts for unpaid fringe benefit contributions, interest, liquidated damages, attorney’s fees, court costs, and audit costs in the total amount of \$40,88.21 are proper.

IT IS FURTHER ORDERED that the claims of the Northern Nevada Laborers Trusts for unpaid fringe benefit contributions, interest, liquidated damages, attorney’s fees, court costs, and audit costs in the total amount of \$463,986.32 are proper.

IT IS FURTHER ORDERED that the claims of the Operating Engineers Local 12 Trusts for unpaid fringe benefit contributions, interest, liquidated damages, attorney’s fees, court costs, and audit costs in the total amount of \$229,686.89 are proper.

IT IS FURTHER ORDERED that the claims of the Southern Nevada Laborers Trusts for unpaid fringe benefit contributions, interest, liquidated damages, attorney’s fees, court costs, and audit costs in the total amount of \$168,826.12 are proper.

1 IT IS FURTHER ORDERED that the claims of the Northern Nevada Operating Engineers
2 Trusts for unpaid fringe benefit contributions, interest, liquidated damages, attorney's fees, court
3 costs, and audit costs in the total amount of \$103,751.84 are proper.

4 IT IS FURTHER ORDERED that the claims of the Carpenters Trusts for unpaid fringe
5 benefit contributions, interest, liquidated damages, attorney's fees, court costs, and audit costs in
6 the total amount of \$84,207.81 are proper.

7 IT IS FURTHER ORDERED that the claims of the Trust Fund Claimants are preferred
8 labor claims under NRS 624.723(6).

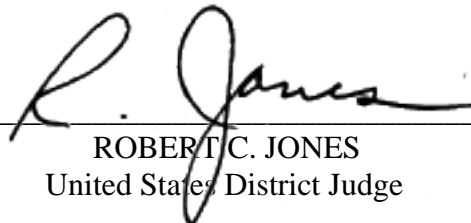
9 IT IS FURTHER ORDERED that the Bond Proceeds will be immediately distributed to
10 the Trust Fund Claimants on a pro-rata basis in proportion to the amounts of their respective
11 claims.

12 IT IS FURTHER ORDERED that the amount of pro rata distribution to these Trust Fund
13 Claimants is as follows:

- 14 a. Northern Nevada Laborers: \$48,138.42
- 15 b. Northern Nevada Operating Engineers: \$10,066.02
- 16 c. Cement Masons: \$2,646.38
- 17 d. Southern Nevada Laborers: \$25,237.71
- 18 e. Operating Engineers Local 12 Funds: \$28,326.77
- 19 f. Carpenters: \$3,840.66

20 IT IS SO ORDERED. Dated

21 October 9, 2020.

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24 ROBERT C. JONES
United States District Judge